

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NW/S Greenwood Rd., 795 ft. E * ZONING COMMISSIONER
of c/l Charles Street *
530 Greenwood Road * OF BALTIMORE COUNTY
9th Election District *
4th Councilmanic District * Case Nos. 93 152-A
Stephen F. Jencks, et al *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for that property located at 530 Greenwood Road in Towson. The Petitioners/property owners, Stephen F. Jencks, Christopher S. Jencks, and Helen J. Featherstone, seek relief from the strict application of Sections 303.1, 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) as applicable to the subject property. Specifically, the Petitioners seek relief from Section 303.1 of the B.C.Z.R. to maintain a 13.3 ft. front yard (average) setback in lieu of the required 60 ft.; from Section 400.1 to permit an accessory structure to be located in the rear yard and/or in the third of the lot farthest removed from any street; and from Section 400.3 to permit an accessory structure with a height of 20 ft. in lieu of the required 15 ft. All of the variances relate to an existing structure designated on the plan as the Robert Woods Tenant House, which is shown on Petitioners' Exhibit No. 2, the site plan to accompany the Petition for Variance.

Appearing at the public hearing in support of the Petition was William Frederick Walker, President of Nehemiah Enterprises, Inc., the developer of the subject property, and John G. Trueschler, Esquire, attorney for the Petitioners. Also appearing in support of the Petition was Patrick A. Simon, a Registered Surveyor from Daft, McCune and Walker, and

John W. McGrain, Jr., the Executive Secretary of the Landmarks Preservation Commission of Baltimore County. Also appearing was Pat Keller, Deputy Director of the Office of Planning and Zoning. There were no Protestants present.

Mr. Walker testified that the subject lot is part of a 15 acre tract which his company is developing. The site is zoned D.R.2 and, therefore, would permit development of approximately 29 dwelling units. However, in lieu of pursuing a plan of this magnitude, the Developer proposes construction of six (6) single family dwellings on site. Access to the lots will be from Greenwood Road. The development plan has undergone C.R.G. review and approval as noted on Petitioners' Exhibit No. 1. This exhibit indicates an approval date of June 11, 1992.

The subject variances arise out of an existing structure which is located on the front portion of lot No. 6. Mr. Walker testified that it was his company's intention to preserve this structure. Although exact plans are not formulated at this time, Mr. Walker desires to either attach the old structure to a new single family dwelling, thereby making it a principal structure or, in lieu thereof, building a house behind the structure, thereby making it an accessory building. In the latter event, the subject variances are necessary. Mr. Walker also noted that it was his company's original intention to demolish the building, however, after discussions with Baltimore County, it was determined that the building should be saved because of its historic value. Mr. Walker also testified that the variances are justified in accordance with the standards set forth within Section 307 of the B.C.Z.R. and the case law. He also noted that the numerous agencies of Baltimore County which review development plans are generally supportive of the variances. He specifically produced

a letter from the Department of Public Works, which retracted their original opposition to the plan.

Mr. Patrick A. Simon, a surveyor from Daft, McCune and Walker testified that the original C.R.G. plan showed a right-of-way line through the existing building. The location of this line was the basis of the Department of Public Works' opposition to the original plan. However, the location of that line has been moved. Apparently, negotiations between the project engineers and the Department of Public Works have resulted in a resolution of this issue. Mr. Simon also noted that access to lot No. 6 will be from the driveway which also serves lot No. 5 in compliance with the Zoning Plans Advisory Committee comment offered by the Bureau of Traffic Engineering.

Mr. John W. McGrain, Jr., Executive Secretary of the Landmarks Preservation Commission for Baltimore County, testified as a recognized expert on historical sites throughout Baltimore County. Although testifying that The Richards Woods Tenant House is not on any national or local historic list, Mr. McGrain believes that the house, which was constructed in approximately 1840, is worthy of preservation.

Lastly, testimony was received from Pat Keller, Deputy Director of the Office of Planning and Zoning. Mr. Keller outlined the C.R.G. history and approval of this property. He noted that the Planning Board recommends preservation of the site and indicated that the various County agencies are supportive of the variances and project.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variance is not granted. The particular location of the existing structure and the historic value of same are unique factors to this property which justifies the granting of this variance. Further, the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variance will be in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

ORDER RECEIVED FOR FILING
Date 12/19/92
By M. H. Hark

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Date 12/19/92
By M. H. Hark

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of December, 1992 that a variance from Section 303.1 of the B.C.Z.R. to maintain a 13.3 ft. front yard (average) setback in lieu of the required 60 front yard (average) setback, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.1 to permit an accessory structure to be located in the rear yard and/or in the third of the lot farthest removed from any street, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.3 to permit an accessory structure with a height of 20 ft., in lieu of the required 15 ft., all in accordance with Petitioners' Exhibit No. 2, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Before any building permits are issued, the Developer must provide architectural elevation drawings for construction on lot No. 6. Any new building thereon shall be compatible with the historic structure. The Baltimore County Landmarks Commission shall review and approve these drawings before the issuance of any permits. Consideration of building materials, height of the building, roof treatment, and window treatment will be evaluated for compatibility.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 16, 1992

John G. Trueschler, Esquire
40 W. Chesapeake Avenue, Suite 600
Towson, Maryland 21204

Mr. William F. Walker
Nehemiah Enterprises, Inc.
40 W. Chesapeake Avenue, Suite 600
Towson, Maryland 21204

RE: Case No. 93-152-A
Petition for Variance
Stephen F. Jencks, et al

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
att.
cc: Mr. John W. McGrain, Jr.
Baltimore County Landmarks Preservation
34 Willow Avenue
Towson, Maryland 21286



Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 530 Greenwood Road, Towson, MD 21204
which is presently zoned DR 2

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) "SEE ATTACHED"

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) Practical Difficulty: See Attached

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessor:

Stanard and Sarah Klineforter

530 Greenwood Road
Towson Maryland 21204

John G. Trueschler

John G. Trueschler

40 West Chesapeake Ave, Suite 600

Towson Maryland 21204

Phone: 821-0351

Who do solemnly declare and affirm, under the penalties of perjury, that these are the legal owner(s) of the property which is the subject of this petition.

Legal Owner(s): Stephen F. Jencks,

Christopher S. Jencks &

Helen J. Featherstone

(Type or Print Name)

Signature of Attorney

Signature of Christopher S. Jencks

Signature of Helen J. Featherstone

Signature

8 Midvale Road

Baltimore Maryland 21210

John G. Trueschler

As Indicated 821-0351

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 1/2 hr.

REVIEWED BY: mmn DATE 11/6/92

ORDER RECEIVED FOR FILING
Date 12/19/92
By M. H. Hark

LES:mmn

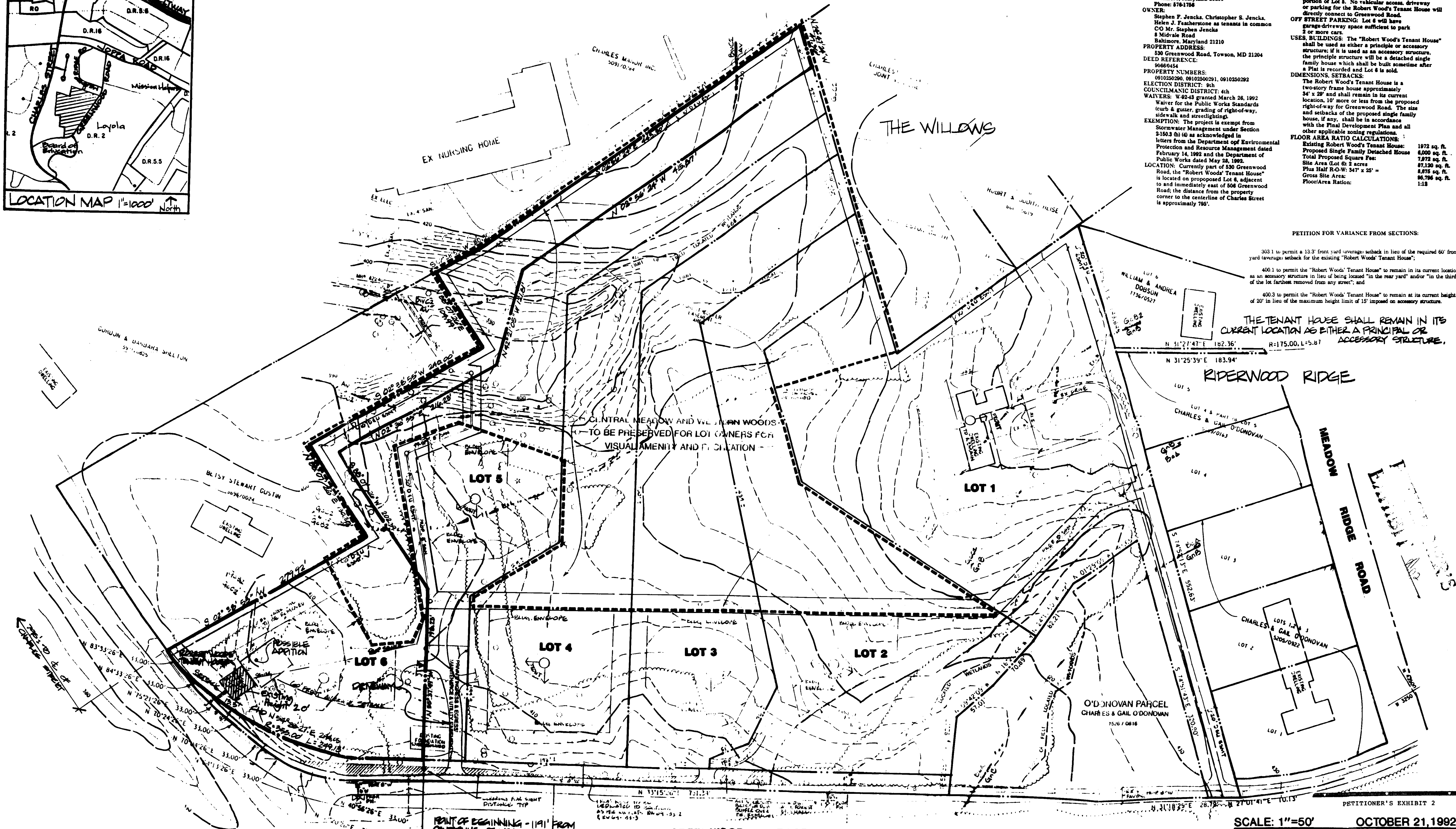
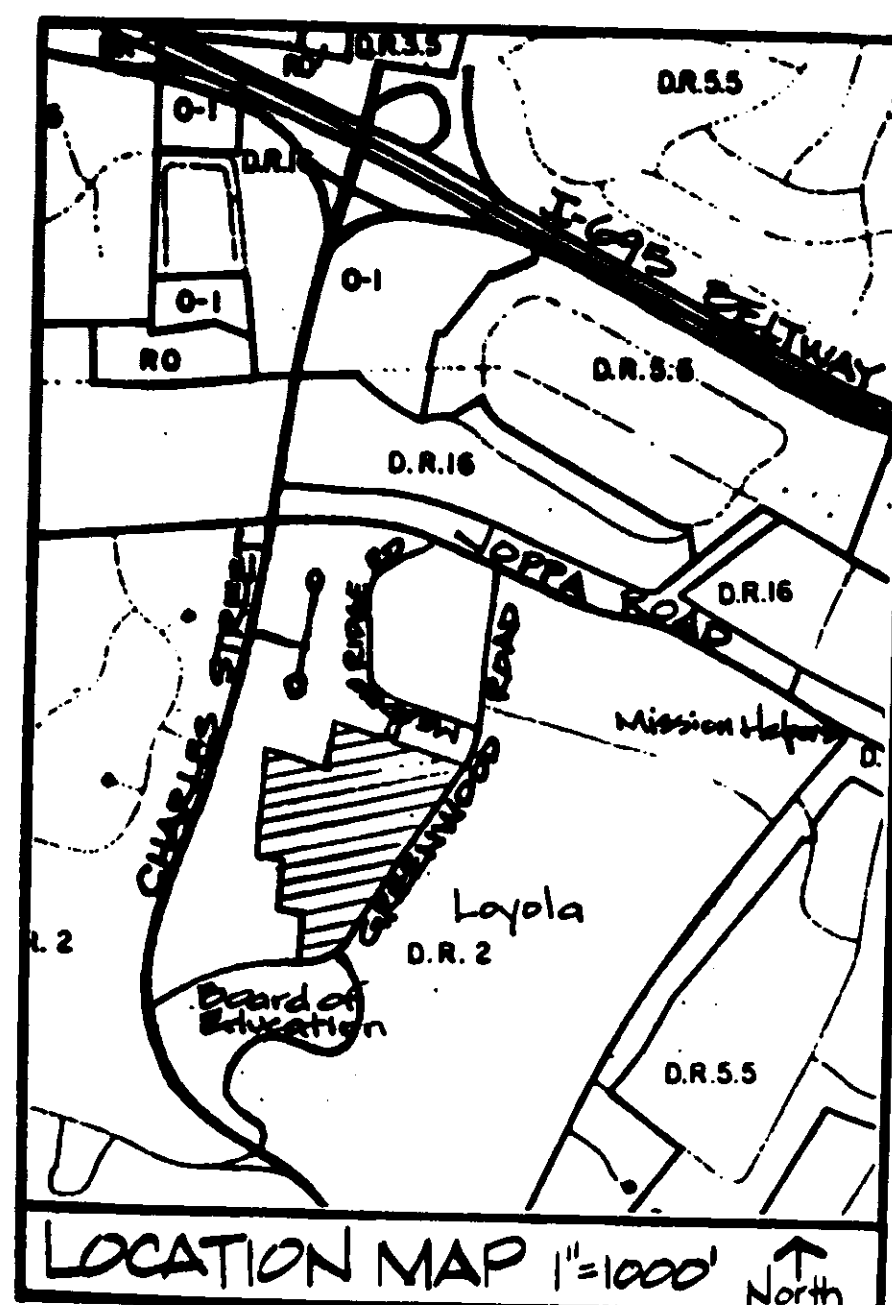
PETITION FOR VARIANCE FROM SECTIONS:

303.1 to permit a 13.3' front yard (average) setback in lieu of the required 60' front yard (average) setback for the existing "Robert Woods' Tenant House";

400.1 to permit the "Robert Woods' Tenant House" to remain in its current location as an accessory structure in lieu of being located "in the rear yard" and/or "in the third of the lot farthest removed from any street"; and

400.3 to permit the "Robert Woods' Tenant House" to remain at its current height of 20' in lieu of the maximum height limit of 15' imposed on accessory structure.

(Imp/ghat 303.1)



CRG: 92055, IX-388 was approved 6/11/92
 DEVELOPMENT NAME: Jencks Property
 APPLICANT CONTRACT PURCHASER:
 Stanard Klinefelter, Esquire
 Piper & Marbury
 Charles Cramer South
 36 South Charles Street
 Baltimore, Maryland 21201
 Phone: 578-1766

OWNER:
 Stephen F. Jencks, Christopher S. Jencks,
 Helen J. Fashersone as tenants in common
 CO Mr. Stephen Jencks
 8 Midvale Road
 Baltimore, Maryland 21210

PROPERTY ADDRESS:
 530 Greenwood Road, Towson, MD 21204

DEED REFERENCE:
 9066054

PROPERTY NUMBERS:
 091020290, 091020291, 091020292

ELECTION DISTRICT: 8th
 COUNCILMANIC DISTRICT: 4th

WAIVERS: W-92-48 granted March 26, 1992
 Waiver for the Public Works Standards
 (curb & gutter, grading of right-of-way,
 sidewalk and streetlighting).

EXEMPTION: The project is exempt from
 Stormwater Management under Section
 2150.2 (b) (4) as acknowledged in
 letters from the Department of Environmental
 Protection and Resource Management dated
 February 14, 1992 and the Department of
 Public Works dated May 28, 1992.

LOCATION: Currently part of 530 Greenwood
 Road, the "Robert Woods' Tenant House"
 is located on proposed Lot 6, adjacent
 to and immediately east of 508 Greenwood
 Road; the distance from the property
 corner to the centerline of Charles Street
 is approximately 795'.

STREETS, WIDENING, R.W. EASEMENTS, ENTRANCES:
 Lot 6 fronts Greenwood Road which shall remain
 physically unchanged, but the right-of-way width
 shall be increased as shown on the plan
 (see arc with a radius of 260' and length of 282').
 Vehicular access to Lot 6 shall be achieved by a
 private easement and common driveway across a
 portion of Lot 5. No vehicular access, driveway
 or parking for the Robert Woods' Tenant House will
 directly connect to Greenwood Road.

OFF STREET PARKING: Lot 6 will have
 garage/driveway space sufficient to park
 2 or more cars.

USES, BUILDINGS: The "Robert Woods' Tenant House"
 shall be used as either a principle or accessory
 structure; if it is used as an accessory structure,
 the principle structure will be a detached single
 family house which shall be built sometime after
 a Plat is recorded and Lot 6 is sold.

DIMENSIONS, SETBACKS:
 The Robert Woods' Tenant House is a
 two-story frame house approximately
 34' x 29' and shall remain in its current
 location, 10' more or less from the proposed
 right-of-way for Greenwood Road. The size
 and setbacks of the proposed single family
 house, if any, shall be in accordance
 with the Final Development Plan and all
 other applicable zoning regulations.

FLOOR AREA RATIO CALCULATION:
 Existing Robert Woods' Tenant House: 1972 sq. ft.
 Proposed Single Family Detached House: 6,000 sq. ft.
 Total Proposed Square Feet: 7,972 sq. ft.
 Site Area (Lot 6): 2 acres
 Plus Half R.O.W: 347' x 25' = 8,675 sq. ft.
 Gross Site Area: 96,796 sq. ft.
 Floor Area Ratio: 1.18

PETITION FOR VARIANCE FROM SECTIONS:

303.1 to permit a 13.3' front yard setback in lieu of the required 60' front
 yard (average) setback for the existing "Robert Woods' Tenant House";

400.1 to permit the "Robert Woods' Tenant House" to remain in its current location
 as an accessory structure in lieu of being located "in the rear yard" and/or "in the third
 of the lot farthest removed from any street"; and

400.3 to permit the "Robert Woods' Tenant House" to remain at its current height
 of 20' in lieu of the maximum height limit of 15' imposed on accessory structure.

THE TENANT HOUSE SHALL REMAIN IN ITS
 CURRENT LOCATION AS EITHER A PRINCIPAL OR
 ACCESSORY STRUCTURE.

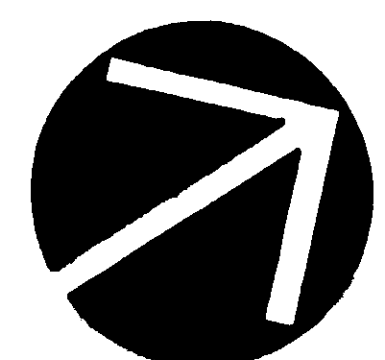
PLAN TO ACCOMPANY VARIANCE HEARING
GREENWOOD MEADOWS (JENCKS PROPERTY)

POINT OF BEGINNING - 1191' FROM
 CENTERLINE OF MEADOW RIDGE ROAD
 N 81°44'12" W 3,804.76'

BOARD OF EDUCATION
 4607/00294

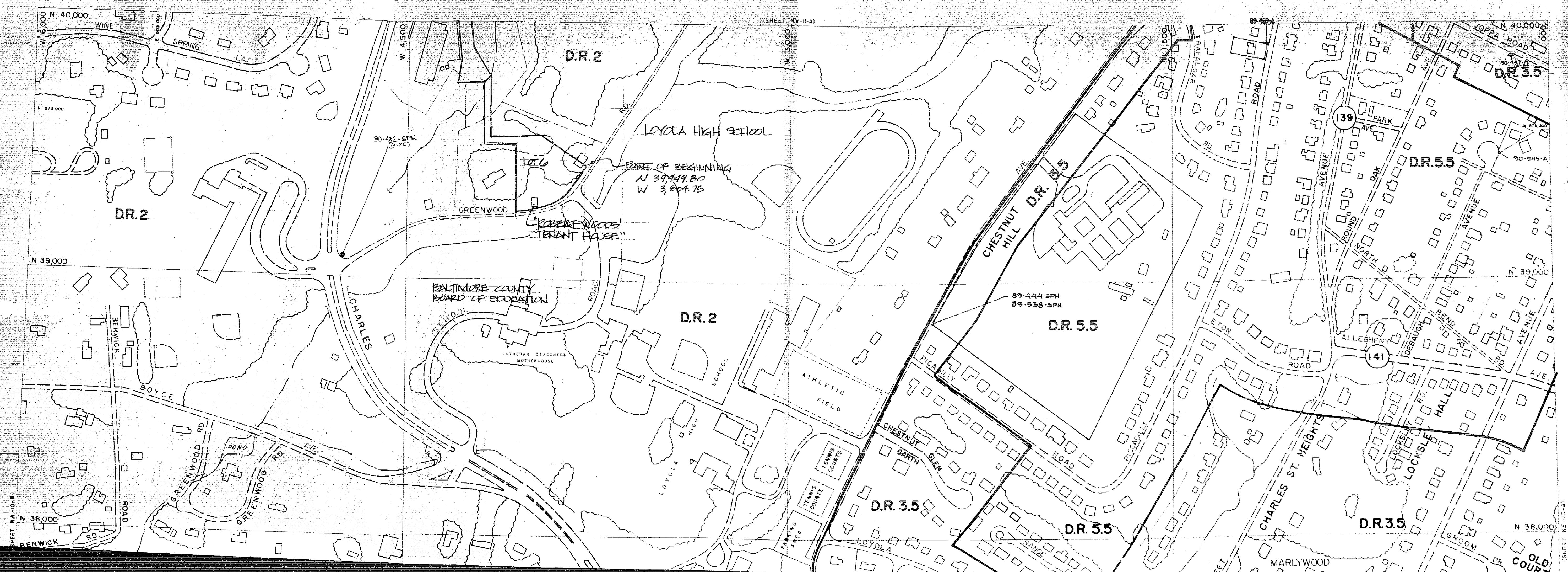
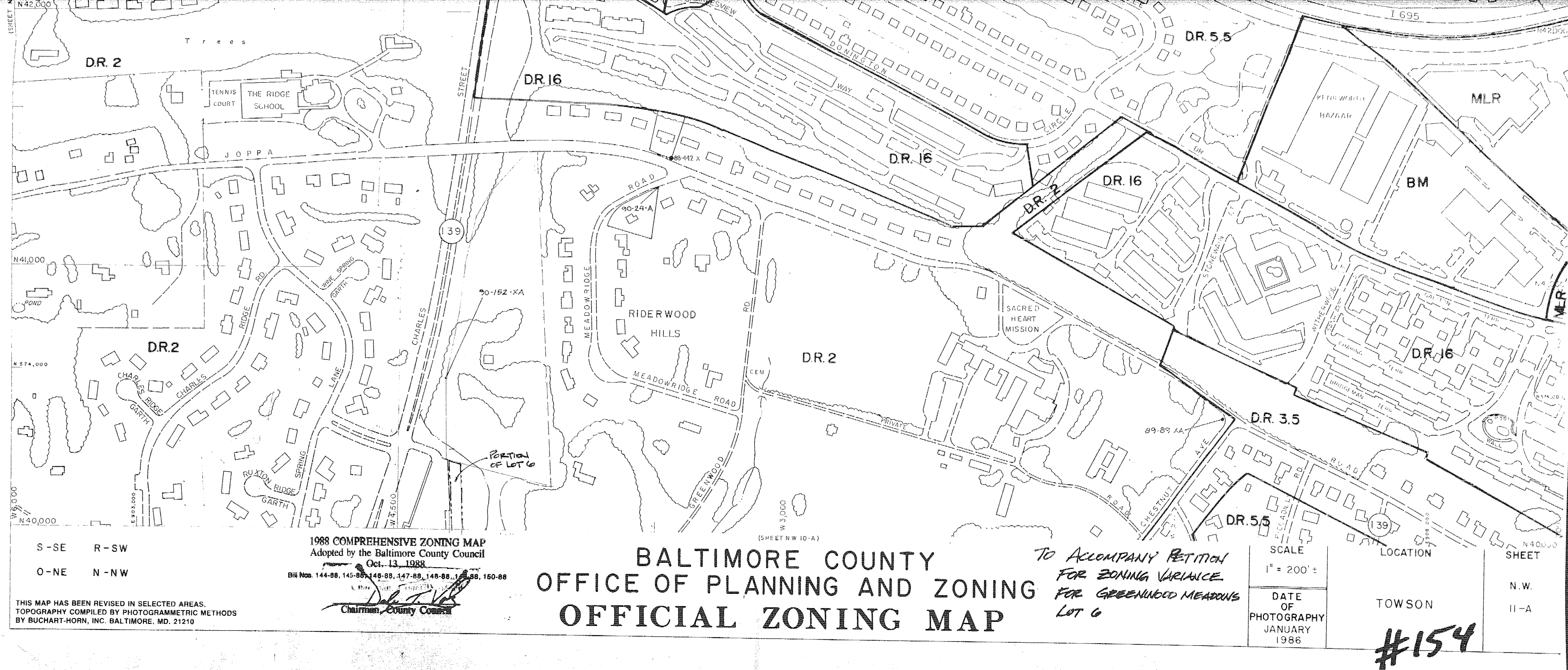
GREENWOOD ROAD

LOYOLA HIGH SCHOOL
 4448/0862



SCALE: 1"=50' OCTOBER 21, 1992

Nehemiah Enterprises, Inc.
 LAND PLANNING
 40 West Chesapeake Avenue
 Suite 600
 Baltimore, Maryland 21204
 (410) 821-0351 FAX (410) 321-8458



93-152-A JUSTIFICATION OF PETITION FOR VARIANCE

This Petition for Variance regards development of the 15 acre "Jencks Property" located in west Towson, for which a CRG plan was approved June 11, 1992. A copy of the approved plan is attached as Exhibit "A".

In lieu of the 29 units permitted under DR 2 zoning, the developer is creating six large lots in order to preserve the character of the existing estate and the surrounding environment. Throughout the process, special efforts have been made to preserve wooded areas of the site, especially the trees along Greenwood Road. Baltimore County officials and concerned members of the community have assisted the developer in obtaining the waivers necessary to achieve this low-density, environmentally sensitive development. A Stormwater Management exemption was granted February 14, 1992 and a waiver eliminating clearing, grading, and widening of and improvements to Greenwood Road was approved by the Planning Board on March 19, 1992 (see attached Exhibit "B").

As part of the CRG process, Baltimore County decided to require the developer to preserve the "Robert Woods' Tenant House". The developer had planned to remove the dilapidated two-story frame house from proposed Lot 6 since it was neither on the final Landmarks List, nor did it satisfy any of the five criteria for eligibility. But on the recommendation of the Office of Planning & Zoning, the Baltimore County Planning Board "made a strong request that the relevant County agencies should assist the developer through waivers, variances, interpretations, etc.) to enable the retention of the "Robert Woods' Tenant House" on this property either as a principal or an accessory structure; flexibility regarding setbacks and road improvements appear to be particularly important" (see attached Exhibit "C").

The developer agreed to preserve the Tenant House as either a principal or accessory structure and hereby requests the variances necessary to make preservation possible and viable.

Under Section 303.1 of the Baltimore County Zoning Regulations, "the required front average setback" for Lot 6 is 60' and under Section 400.1, accessory structures are required to be located "in the rear yard" and/or "in the third of the lot farthest removed from any street". Under Section 400.3, the maximum height of an accessory structure is 15'. As shown on the Plan to Accompany Variance Hearing, the Tenant House is situated 13.3' more or less from the proposed right-of-way line for Greenwood Road and the height of the structure is 20'. Thus strict compliance with the Baltimore County Zoning Regulations results in practical difficulty.

Compliance with Sections 303.1 and 400.1 would require removal of the Tenant House thus thwarting the County's efforts to preserve the structure as recommended by the Planning Board. Relocation of the Tenant House would be impracticable given the condition of the structure, particularly the foundation as shown in attached Exhibit "E". Even if possible, the expense of relocation and risk of damage to the structure would render conformance unnecessarily burdensome.

Similarly, a reduction in height to comply with Section 400.3 would require demolition or reconfiguration of the Tenant House which again defeats the purpose of preservation.

Furthermore, the requested variances would not result in a substantial injustice to other property owners. The Tenant House has existed in its current location for well over 100 years and will not change relative to the physical location of Greenwood Road, since a waiver of road improvements having been granted. Likewise, the height will remain the same.

The relief sought by the applicant complies with the spirit of the Baltimore County Zoning Regulations, and secures public safety and welfare, as evidenced by the support of both the Planning Board and the Director of the Department of Planning and Zoning. The variance applies only to the Robert Woods' Tenant house as either a principal or accessory structure, and to any additions thereto. Other structures proposed to be located on Lot 6 or any other lot of Greenwood Meadows would comply fully with all applicable zoning regulations.

(Overprint/Justify)

DAFT-MCCUNE-WALKER, INC.
200 East Pennsylvania Avenue Towson, Maryland 21204 301 296 3333 FAX 301 296 4705

Description 93-152-A

to Accompany Petition for Zoning Variance,
2.104 Acre Parcel, Part of the Land of Francis Haynes Jencks

Northwest Side of Greenwood Road,

Southwest of Meadowridge Road,

Ninth Election District, Baltimore County, Maryland

Beginning for the same at a point located North 55 degrees 37 minutes 49 seconds West 23 feet, more or less, from a point on the centerline of Greenwood Road, said point being at the distance of 1191 feet, more or less, as measured southerly and southwesterly along said centerline from its intersection with the centerline of Meadowridge Road, 50 feet wide, running from the aforementioned beginning point sixteen courses: (1) North 55 degrees 37 minutes 49 seconds West 198.23 feet, (2) South 88 degrees 07 minutes 26 seconds West 202.39 feet, (3) North 02 degrees 38 minutes 55 seconds East 216.23 feet, (4) North 42 degrees 21 minutes 05 seconds West 121.81 feet, (5) North 02 degrees 56 minutes 24 seconds West 415.87 feet, (6) North 74 degrees 47 minutes 24 seconds West 47.36 feet, (7) South 02 degrees 56 minutes 24 seconds East 443.50 feet, (8) South 02 degrees 38 minutes 55 seconds West 80.50 feet, (9) North 88 degrees 07 minutes 26 seconds East 104.99 feet, (10) South 02 degrees 38 minutes 55 seconds West 240.00 feet, (11) North 88 degrees 07 minutes 26 seconds East 130.30 feet, (12) South 02 degrees 38 minutes 55 seconds West 279.92 feet, (13) North 83 degrees 33 minutes 26 seconds East 33.00 feet, (14) North 84 degrees 33 minutes 26 seconds East 9.59 feet, (15) Northeasterly, by a curve to the left with the radius of 355.00 feet, the arc distance of 249.13 feet, said arc being subtended by a chord bearing North 54 degrees 28 minutes 27 seconds East 244.05 feet, and (16) North 34 degrees 22 minutes 11 seconds East 60.00 feet to the point of beginning, containing 2.104 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.
October 21, 1992
Project No. 92003.B (L92003B)

Page 1 of 1



A Team of Land Planning, Environmental & Engineering Professionals Providing Complete Site Services & Development Solutions

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 93-152-A Towson, Maryland

District: 9A
Posted for: 14 days
Petitioner: Stephen F. Jencks, et al.
Location of property: NW 1/2 (530) Greenwood Rd, NW 1/4 of Lot 6, S
Location of Sign: Facing Maryland Ave. at Greenwood Rd.
Remarks:
Posted by: [Signature]
Number of Signs: 1
Date of return: 12/1/92

CERTIFICATE OF PUBLICATION

TOWSON, MD. 11/26/92

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/26/92

THE JEFFERSONIAN,

S. Zeke [Signature]
Publisher

~~229.50~~
\$ 83.88

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150

Number

Date: _____
Check Validation
Please Make Checks Payable To: Baltimore County
04A04R01301CHRC \$250.00
0010156AH10-30-92

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150

Number

93-152
Check Validation
Please Make Checks Payable To: Baltimore County
04A04R0042HCHRC \$83.88
0010107AH12-21-92

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 12/9/92

Standard and Sarah Ellenfelter
530 Greenwood Road
Towson, Maryland 21204

RE:
CASE NUMBER: 93-152-A (Item 154)
NW 1/2 Greenwood Road, 795' E of c/l Charles Street
530 Greenwood Road
9th Election District - 4th Councilmanic
Petitioner(s): Stephen F. Jencks, Christopher S. Jencks, & Helen J. Featherstone
HEARING: MONDAY, DECEMBER 14, 1992 at 9:00 am. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 83.88 is due for advertising and posting of the above captioned property and hearing data.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make sure payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

MURDO JENCKS
DIRECTOR

cc: John G. Trueschler, Esq.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOVEMBER 13, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 on:

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-152-A (Item 154)
NW 1/2 Greenwood Road, 795' E of c/l Charles Street
530 Greenwood Road
9th Election District - 4th Councilmanic
Petitioner(s): Stephen F. Jencks, Christopher S. Jencks, & Helen J. Featherstone
HEARING: MONDAY, DECEMBER 14, 1992 at 9:00 am. in Rm. 118, Old Courthouse.

Variance to permit a 13.3 foot front yard(average) setback in lieu of the required 60 foot front yard (average) setback for the existing "Robert Woods Tenant House"; to permit the "Robert Woods Tenant House" to remain in its current location as an accessory structure in lieu of being located in the rear yard and/or in the third of the lot farthest removed from any street; and to permit the "Robert Woods Tenant House" to remain at its current height of 20 feet in lieu of the maximum height limit of 15 feet imposed on accessory structure.

[Signature]
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Stephen F. Jencks, et al.
Standard and Sarah Ellenfelter
John G. Trueschler, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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111 West Chesapeake Avenue
Towson, MD 21204

December 2, 1992

(410) 887-3353

John G. Trueschler, Esquire
40 West Chesapeake Avenue, STE 600
Towson, MD 21204

RE: Case No. 93-152-A, Item No. 154
Petitioner: Stephen F. Jencks, et al
Petition for Variance

Dear Mr. Trueschler:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Printed on Recycled Paper

Your petition has been received and accepted for filing this
5th day of November 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Stephen F. Jencks, et al
Petitioner's Attorney: John G. Trueschler

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 20, 1992
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for November 23, 1992
Item No. 154

The Developers Engineering Division has reviewed
the subject zoning item. We feel that the request for the
variance to permit a 13.3 feet front yard setback must be
denied. The right-of-way line shown on this plan does not
match the line shown and approved on the CRG Plan. We feel
that the ultimate right-of-way line shown on the approved
CRG Plan should be held except where the line would intersect
the existing house. There, the right-of-way may be notched
around the structure. Therefore, the requested setback
should be one or two feet and this plan should be revised
accordingly.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:DAK:s

Rec'd 11/24/92

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it
does not access a State roadway and is not effected by any State Highway Administration
projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David A. Ramsey 11/16/92
John Contestabile, Chief
Engineering Access Permits
Division

RECEIVED
OV 10 1992

ZONING OFFICE

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 25, 1992

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Jencks Property

INFORMATION:
Item Number: 154
Petitioner: Stanard and Sarah Klinefelter
Property Size: 2.0 acres
Zoning: DR 2
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:
A variance is being requested to permit a 13.3' front yard setback in lieu of 60'
for the "Robert Woods Tenant House". To permit that structure to remain in its
current location as an accessory structure in lieu of being located in the rear
yard and to allow the structure to remain at its current height of 20' in lieu of
15'.

The Office of Planning and Zoning recommends APPROVAL of the petitioner's re-
quest.

The CRG Plan for the Jencks Property was referred to the Planning Board pursuant
to Section 26-207(4) of the Development Regulations for a site involving a histo-
ric structure. On May 21, 1992, the Planning Board determined that the proposed
development did not have an adverse impact upon the Greenwood Mansion and that
the Richard Woods Tenant House should be preserved.

The variances will allow the historic structure to be retained as either a
principal or accessory structure on lot 6.

Before any building permits are issued the developer must provide architectural
elevation drawings for the possible addition to the Richard Woods Tenant House.
This new structure must be compatible with the historic structure. The Baltimore

154.ZAC/ZAC1

Pg. 1

ZAC COMMENTS
County Landmarks Commission should review and approve these drawings. The draw-
ings must show building materials, height, roof treatment, window treatment,
etc. John McCain will assist in arranging a meeting between the developer and
the Commission to review the drawings. The applicant should be required to note
on the building permit application that review by the Landmarks Preservation
Commission is required prior to signature of the permit.

An old cemetery is alleged to be located on this site. If there is a cemetery
located on this site, it must be shown on the plan. Maryland State Law prohibits
any disturbance of a cemetery and also access must be provided to the cemetery.

Prepared by: *Francis Ramsey*

Division Chief: *Eric McDaniel*

EMCD/FM:rdm

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: November 19, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: November 16, 1992

ITEM NUMBER: 154

As it was agreed upon at the C.R.G. meeting, it has to be clearly noted
on the plan that the existing access to the tenant house has to be
eliminated and the sole access to all the buildings on lot 6 must be off
the proposed common driveway to lots 4 through 6.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Rec'd 11/24/92

Department of Environmental Protection & Resource Management
Development Review Committee Response
Authorized signature: *John Kelly* Date: 11-14-92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Satyr Limited Partnership	115		10-13-92
DEPRM			NO COMMENTS
Wiseburg United Methodist Church	116		
DEPRM			NO COMMENTS

COUNT 2

Cheryl Cronin	122	10-19-92	
DEPRM RP			WRITTEN COMMENTS
John Henry and Elaine Eleanor Baker	127		IN PROCESS
DEPRM RP			
Lewis Brooks Ramsey	128		IN PROCESS
DEPRM RP			

COUNT 3

Perry Hall Square Partnership	131	10-26-92	
DEPRM RP			IN PROCESS
Colleen M Kelly and Gary L. Pitts	132		
DEPRM RP			IN PROCESS

COUNT 2

Charles L. and Maureen Lamoreaux	148	11-16-92	
DEPRM RP STP TE			NO COMMENTS
John F. and Christopher S. Jencks			NO COMMENTS
DEPRM RP STP TE			NO COMMENTS
John and Carol Villanova	156		
DEPRM RP STP TE			NO COMMENTS

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(410) 887-4500

NOVEMBER 17, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: STEPHEN F. JENCKS AND CHRISTOPHER S.
JENCKS AND HELEN J. FEATHERSTONE

Location: #530 GREENWOOD ROAD

Item No.: +154 (MJK) Zoning Agenda: NOVEMBER 16, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site
shall comply with all applicable requirements of the National Fire
Protection Association Standard No. 101 "Life Safety Code", 1988
edition prior to occupancy.

REVIEWER: *John Kelly*
Planning Group
Special Inspection Division

JP/KEK

93-152-A
12-14-92
12/11/92
8
9415-92

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
ZADM

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division

SUBJECT: Zoning Advisory Committee Meeting
November 23, 1992
Item No. 154

Date: December 11, 1992

Please amend the November 20, 1992 comments as follows:

Upon further review, we feel that the requested variance to permit a 13.3' front yard setback may be approved. The ultimate right-of-way line shown on the approved CRG Plan is incorrect and must be revised to concur with that shown on highway Drawing No. 69-0477 and the recorded R/W Plats No. 69-183 - 1, 2 & 3.

RWB:JRL:pab
cc: R. Green, D-M-W
File

20N154/PB_MEMO4

Rec'd 12/14/92

Refinement
Comments Date: 8/24/93
For DRC Meeting on 8/30/93

This office has no comments regarding the concept of creating an additional lot to the subdivision known as Greenwood Meadow.

However, prior to final zoning approval, the following must be accomplished:

1. The density calculations must be updated and the new lot numbered.
2. Either reconfigure the proposed lot to allow a distance of 15 feet to the rear line or request a variance from the zoning regulations.
3. A special hearing to amend the previous zoning hearing must be granted as a new lot was not one of the scenarios discussed in zoning hearing #93-152-A.
4. The Final Development Plan of Greenwood Meadow (formerly Jencks Property) must be amended in accordance with Section 1801.3.A.7 of the Baltimore County Zoning Regulations.

CATHERINE A. MILTON
Planner I

CAM:scj

cc: zoning file #93-152-A

BALTIMORE COUNTY PLANNING BOARD
Office of Planning and Zoning

93-152-A

101 Busby Avenue
Towson, MD 21204

MB7-3211
Fax MB7-5862

April 9, 1992

TO: Baltimore County Planning Board

FROM: Office of Planning & Zoning

SUBJECT: Proposed Development (Jencks property) "involving" a structure on the Baltimore County Landmarks List ("Greenwood")

Background - Planning Board's Role

Before the County Review Group (CRG) can take final action on any plan for development on a property which "involves a building, structure or site included on the landmarks preservation...list" the plan must be referred to the Planning Board. The Board then has 45 days to "file its written decision with the CRG, including the reasons therefor." The Board's "decision" will be "binding upon the CRG and shall be incorporated as part of the CRG final action on a plan." These requirements are specified in the Development Regulations at sub-sections 26-207(a)(3), 26-208(b)(2) and 26-208(c).

The Planning Board's authority is very broadly conferred, and is independent of the role of the Landmarks Preservation Commission (which has authority only in regard to the exterior of the structures on the Landmarks Lists). The scope of the Board's authority is discussed later in this report.

Background - The Proposed Development

The Jencks property is an approximately 14.5-ac. tract lying north and west of Greenwood Road, between Joppa Road and Charles Street, west of Towson (see Location Map). About half of the property is rolling, open land. The wooded parts of the tract are principally in the steeply-sloped stream valley occupying approximately the western quarter of the acreage, and in a band (up to 100-ft. deep) along Greenwood Road. Protection of the latter vegetation was specifically facilitated by the Planning Board's approval on March 19th of a waiver (#4) from certain parts of the Development Regulations.

The Jencks property is zoned D.R. 2, as is all of the adjoining area. This zoning would allow up to 29 dwelling units. The proposed development, however, would consist of only six lots, configured for permanent preservation of about half of the tract's total acreage.

BALTIMORE COUNTY PLANNING BOARD
April 9, 1992
Page 5

lighting. The waiver approved by the Board would avoid the unnecessary environmental damage from such massive reconstruction by allowing the Road to remain essentially in its present condition. The ultimate right-of-way would continue to be shown at 25-ft. west from the center-line but there is no current intention, or foreseeable need, to make use of the full width.

At its southeast corner, the Tenant House extends about five feet into the ultimate right-of-way. Certainly it would not be proper to allow a new structure in this location, but the House has stood in this relationship to the road for about a century and a half without causing any recorded problems, and there is no evidence indicating any likelihood of problems in the future.

Finally, although the exterior of the Tenant House evidences inadequate maintenance, this may be attributable to the uncertainty inherent in its rental status and/or the pending subdivision of the Jencks tract. It is not known to staff whether the structural condition is too deteriorated to preclude restoration by a preservation-minded purchaser.

Recommendations on the Tenant House

At various places in their text, both the County-wide Master Plan and the Towson Plan strongly advocate the concepts of community conservation and historic preservation. The Planning Board's approval of the Greenwood Road waiver contributes importantly not only to environmental protection but also to conserving the character of the semi-rural road and its neighboring properties.

The Robert Woods Tenant House might make an equally important contribution despite its modest credentials. Admittedly, it is a humble, workaday accessory to a once- and is rendered "out of context" by the subsequent development in the intervening space. It is diminutive in size, does not display any monumentally outstanding architectural features and might even be regarded as somewhat awkwardly perched on its high stone foundations.

Buildings of this type are by no means rare in the rural part of the County, but certainly are scarce in the Towson community. In this location, its unpretentious survival or perhaps be approximately replicated in contemporary terms, for posterity's edification. A simple cottage of this sort is a tangible link to a different aspect in an era in Towson's history that is long gone and never to be repeated. In the absence of heavily documented "historic" significance, the Tenant House might be regarded as expendable, but its loss would diminish the community's heritage, however slight that loss might appear today. The loss would be worse to the extent that it is avoidable.

Although it would undoubtedly be more convenient (for the developer) to remove the Tenant House, the staff is not aware of any compelling reason necessitating such action and is mindful of the developer's conscientious approach to other aspects of the development's design. The recommendation, therefore, is that, unless judged clearly inappropriate by the Landmarks Preservation Commission, the house should be retained and made available for purchase and restoration. Two options are possible:

BALTIMORE COUNTY PLANNING BOARD
April 9, 1992
Page 2

One of the lots would contain about 3.6 acres encompassing the existing 2-story stone residence at the north end of the tract. The other five would be either 2.0 or 2.1 acres in size, and would have a buildable area (3 to 4 acres) served by one of only two panhandle driveways from Greenwood Road. These five lots are configured with parallel extensions (roughly in "L" shapes) westward and northward so that each lot contains a strip (at least 50-ft. wide) extending entirely through the "central meadow" and "western woods" areas which are thereby to be jointly preserved (through covenants) as a visual amenity and for passive recreation.

Overall, the proposal shows commendable sensitivity in protecting the property's natural features and in achieving a site layout compatible with the low-density character of the few residences existing nearby (to the southwest, north and north-west).

Background - "Greenwood"

On the south side of Greenwood Road, opposite the south end of the Jencks property, is the 22-ac. property containing the administrative headquarters of the Baltimore County Board of Education. These offices are housed in five buildings, one of which - the "Greenwood" mansion - was adopted in 1982 as #57 on the County's final Landmarks List.

Constructed in 1915 for John Edward Deford, "Greenwood" is basically a 2 1/2-story brick residence with one-story wings and an impressive two-story, round-roofed central portico. Although modified by later additions, the original house is rich in exterior and interior detail and remains one of the best examples in the Baltimore region of the Georgian Revival style.

Other parts of the original Deford property have also been altered by each of its subsequent owners. Most notable, and least compatible in relation to the site's design aspects and historic character, is the massive former classroom building (constructed in 1940 by the Greenwood School for Girls) on the steeply-sloping hillside immediately north of the mansion (see Zoning map). Even more clearly visible from the curve in Greenwood Road, albeit more isolated from the historic 2 1/2-ac. parking and school bus storage lot.

"Involvement" between the properties

The traditional interpretation of the section in the Development Regulations mandating referral to the Planning Board was that it applied only if the proposed development would be on the same property as the Listed landmark. Because a recent Circuit Court ruling considerably broadened the geographic scope for examining potential "involvement," the CRG has conservatively chose to make the referral.

The southern tip of the Jencks property is about 440 feet north of the Greenwood mansion. The small stream paralleling Greenwood Road through this area flows through a narrow ravine with steeply-sloped, heavily-wooded sides. Besides the screening effect of the trees, the view to (and from) the rear of the mansion also are considerably blocked by the former classroom building.

BALTIMORE COUNTY PLANNING BOARD
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lighting. The waiver approved by the Board would avoid the unnecessary environmental damage from such massive reconstruction by allowing the Road to remain essentially in its present condition. The ultimate right-of-way would continue to be shown at 25-ft. west from the center-line but there is no current intention, or foreseeable need, to make use of the full width.

At its southeast corner, the Tenant House extends about five feet into the ultimate right-of-way. Certainly it would not be proper to allow a new structure in this location, but the House has stood in this relationship to the road for about a century and a half without causing any recorded problems, and there is no evidence indicating any likelihood of problems in the future.

Finally, although the exterior of the Tenant House evidences inadequate maintenance, this may be attributable to the uncertainty inherent in its rental status and/or the pending subdivision of the Jencks tract. It is not known to staff whether the structural condition is too deteriorated to preclude restoration by a preservation-minded purchaser.

Recommendations on the Tenant House

At various places in their text, both the County-wide Master Plan and the Towson Plan strongly advocate the concepts of community conservation and historic preservation. The Planning Board's approval of the Greenwood Road waiver contributes importantly not only to environmental protection but also to conserving the character of the semi-rural road and its neighboring properties.

The Robert Woods Tenant House might make an equally important contribution despite its modest credentials. Admittedly, it is a humble, workaday accessory to a once- and is rendered "out of context" by the subsequent development in the intervening space. It is diminutive in size, does not display any monumentally outstanding architectural features and might even be regarded as somewhat awkwardly perched on its high stone foundations.

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The Greenwood mansion is skillfully sited atop a prominent hillock. From outside the overall Greenwood property, the most significant view associated with the mansion is on the opposite side of the hill from the Jencks property, i.e., the vista from the south (along Charles Street) across the sweeping lawn to the hilltop site. Within the property, the view northeastward in the direction of the Jencks property might once have been predominantly rustic, but has been severely altered for more than twenty years.

In addition to the woodland on the Greenwood property, screening on the parts of the Jencks property that might otherwise be visible from Greenwood will be achieved by the covenants and the tree-removal restrictions along Greenwood Road as incorporated into the development proposal.

Conclusions on "involvement"

There is no reasonable basis for concluding that, even if the proposed development of the Jencks property would be visible from the "Greenwood" mansion, it would have an adverse aesthetic effect on the landmark, or that the traffic from five new single-family residences would be detrimental in relation to the current volume of employee and school bus traffic in the vicinity.

The Planning Board's decision to the CRG should be that no modifications to the development plan are needed because of "Greenwood."

Additional Issue - "Richard Woods" Tenant House

"Greenwood" is the only nearby structure which has yet achieved Landmarks List status, but another historic resource is actually located on the Jencks property, almost at its southern tip (see Zoning map). On the edge of proposed Lot 6 (see site plan) is the Richard Woods' Tenant House.

The Tenant House was entered on the Maryland Historical Trust Inventory (#2A-1766) in 1979 on the basis of a historic sites survey form prepared for Historic Towson, Inc. The survey, however, used a slightly erroneous current street address. Because the future of the House has become a question in the context of this development proposal, Landmarks Preservation Commission staff conducted additional research at the Hall of Records in April 1992.

Although the specific year in which the Tenant House was constructed is not yet known, the circumstantial evidence suggests that it may have been in 1840 when Richard Woods inherited and mortgaged the property; this would still be consistent with the 1979 estimate that the House dates from about the third quarter of the 19th century.

The Tenant House is a 1 1/2-story frame structure (with a one-story kitchen addition on half of the north facade) placed atop a one-story fieldstone foundation which is set into the hillside. The south facade, facing Greenwood Road, has a full two-story porch, and both stories have a central doorway and a window in each outer bay.

BALTIMORE COUNTY PLANNING BOARD
April 9, 1992
Page 4

Preservation of the Tenant House

Section 26-540 of the County Code specifies five criteria for eligibility to place a structure on the Landmarks List. There is no evidence thus far (or likely be discovered) indicating that the Robert Woods' Tenant House would qualify under the first, third, fourth or fifth of the criteria. The only likely possibility would be a conclusion that the Tenant House "is a distinctive example of a particular architectural style or period." Such a finding appears to be reasonable from the evidence on the survey form but can only be concluded by the Landmarks Preservation Commission after proper notice and a public hearing.

Another part of the County Code, however, specifies that "historic structures or sites identified on [the MHT Inventory] must be preserved" (Sec. 26-278). This flat imperative applies whether or not the structure is on the Landmarks List.

Finally, in its formal adoption of the Towson Community Plan, the County Council amended the Historic Building Inventory in Appendix B to include the Tenant House. From its context in the Plan it is clear that the Inventory list should be regarded as a starting point for the Plan's recommendations to "develop a preservation master plan that identifies buildings to be preserved...[and to] work with property owners to...identify mechanisms for the individual properties."

Taken together, Section 26-278's requirement and the Council's action in adding the Tenant House to the list in the Towson Plan indicate that retention of the structure must be seriously considered.

Preservation Options

The initial development plan (1/31/92) for the Jencks property incorrectly stated that "there are no historic buildings on the site." This has been corrected on the revised plan (3/18) which identifies the Tenant House but concludes that

Because of its limited historic value, poor condition and encroachment into the proposed right-of-way of Greenwood Road, the existing structure will be removed.

The conclusion regarding "limited" historic value apparently was reached from a conversation with County staff which occurred before the additional research was performed, and without knowledge that the House had been identified in the amendments added by the Council to the Towson Plan. Under the circumstances, it would be most appropriate to seek advice from the Landmarks Preservation Commission regarding the House's relative historic importance, per se (see below).

The potential conflict with the Greenwood Road right-of-way should be evaluated in the context of the Planning Board's waiver action. For most of Greenwood Road's length southward from Joppa Road to the entrance to the Greenwood parking area, it is scarcely more than one line wide and is closely bordered by mature trees (and a small stream along the east side). The County's normal Public Works standards would have required that it be improved to a 30-ft. wide paving, with concrete curbs and gutters, grading of the full 50-ft. right-of-way, concrete sidewalks, and street

BALTIMORE COUNTY PLANNING BOARD
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lighting. The waiver approved by the Board would avoid the unnecessary environmental damage from such massive reconstruction by allowing the Road to remain essentially in its present condition. The ultimate right-of-way would continue to be shown at 25-ft. west from the center-line but there is no current intention, or foreseeable need, to make use of the full width.

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Recommendations on the Tenant House

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BALTIMORE COUNTY PLANNING BOARD
April 9, 1992
Page 6

- The development plan could remain unchanged, with the Tenant House becoming the single allowable dwelling on Lot 6
- The plan could be revised to create an additional lot for the Tenant House

The staff prefers the first option, and that would undoubtedly be more attractive to the developer (if only to avoid further delay and plan-preparation costs). Either option might necessitate waivers and/or variances; planning staff is committed to expeditious processing of such requests and would urge other participants to do likewise.

Coordination with LPO

The deadlines set in the County Code do not allow time for review of this report by the Landmarks Preservation Commission before it is distributed to the Planning Board for action at the Board's April 16th meeting. The report has been reviewed, without objection, by the Commission's staff, and will be distributed to the members at the Commission's April 9th meeting with the request that the Commission or its members forward any comments in time for consideration at the Board's meeting.

PDF/TD/mjm
JENCKS/TXTLMH

ADDRESSES

Nehemiah Ent. Inc.
40 West Chesapeake Ave
Suite 600 21204

40 W. CHESAPEAKE AVE
SUITE 600 TOWSON MD 21204

DART. McCLUNG - WALKER

300 E. PENNSYLVANIA AVE Towson 21206
34 WILLIAMS AVE, Towson 21286

Baltimore County Government
Office of Planning and Zoning

93-152-A

401 Bosley Avenue
Towson, MD 21204

887-3211
Fax 887-5862

March 26, 1992

Mr. Stephen F. Jencks
8 Midvale Road
Baltimore, Maryland 21210

Re: Jencks Property
W-92-43

Dear Mr. Jencks:

We have reviewed your waiver application for the above property and have determined that a waiver for the Public Works Standards (curb & gutter, grading of right of way, sidewalk and street lighting) as requested would be within the scope, purpose and intent of the Development Regulations of Baltimore County and is therefore APPROVED. Conditions regarding the approval of this waiver are as follows:

1. A 2 foot widening in vicinity of driveways must be provided in order to help motorists identify driveway areas.
2. A sight distance must be provided which may result in some clearing of vegetation at the driveways. Clearing should be strictly limited in order to preserve the existing trees along Greenwood Road.

This development shall comply with all other applicable laws, rules and regulations of Baltimore County (Section 26-180). Should you have any questions, please contact David Thomas, Assistant Bureau Chief, Department of Public Services at 887-3321.

NOTE: This waiver approval letter shall be presented by the applicant when applying for a building permit.

Respectfully yours,
Andrea Van Arsdale
Andrea Van Arsdale, Division Chief
Strategic Planning

AVA: cab

cc: Stanard & Sarah Klinefelter, Piper & Marbury, Charles Center South, 36 S. Charles Street, Baltimore, MD 21201
John Trueschler, Nehemiah Enterprises, Inc., 40 W. Chesapeake Avenue, Suite 600, Towson, MD 21204
David Thomas, Assistant Bureau Chief, Public Services M.S. 1301
Brenda Payne, Public Services M.S. 1301
Susan Wimbley, Public Services M.S. 1301
File

EXHIBIT "B" #154

Baltimore County Government
Planning Board

93-152-A

401 Bosley Avenue
Towson, MD 21204

887-3211

April 30, 1992

TO: Gene L. Neff, Director, DPW
Arnold Jablon, Director, ZADM

FROM: P. David Fields, Secretary
Baltimore County Planning Board

SUBJECT: Jencks property (CRG #IX-588)

The CRG's final action on the Jencks property was continued pending a decision from the Planning Board regarding the possible "involvement" of a nearby Final Landmarks List property ("Greenwood").

As indicated on the attached notification, the Planning Board concluded that no changes to the development plan were necessary in relation to "Greenwood." In addition, however, the Board made a strong request that the relevant County agencies should assist the developer (through waivers, variances, interpretations, etc.) to enable the retention of the "Robert Woods' Tenant House" on this property either as a principal or an accessory structure; flexibility regarding setbacks and road improvements appear to be particularly important.

The Planning staff has pledged to assist this effort to the greatest extent possible, to be coordinated by Pat Keller. Your cooperation will be much appreciated.

P. David Fields
P. David Fields

PDE/AD/mjm
IX588.CRG/XTXJMJM

Enclosures

cc: Fred Walker

EXHIBIT "C" #154

BALTIMORE COUNTY, MARYLAND

93-152-A

SUBJECT: COUNTY REVIEW GROUP COMMENTS

CRG DATE: 6/11/92
(Continued from 3/26/92)
PRE-CRG DATE: 6/1/92

FROM: ZONING OFFICE

PROJECT NAME: Jencks Property

PLAN: 5/4/92

LOCATION: W/S Greenwood Road,
S of Meadow Ridge Road

REV.: 6/5/92

REV.:

DISTRICT: 9c4

PROPOSAL: 7 S.F.D. Lots (D.R.-2)
(inclusive of 2 ex. dwellings)

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The plan has been reviewed by the staff at this level of detail and with the exception of comment #3, has been found to be in general compliance with the Baltimore County Zoning Regulations. The following additional advisory comments are generalized for the C.R.G. and they do not identify all details and inherent technical zoning requirements necessary in order to determine final compliance with these regulations. To avoid any possible delays in the development review and zoning approval process, when these details and final technical information are identified or changed, this office should be contacted and it should be the responsibility of the owner, developer or developer's engineer to rectify any zoning conflicts well in advance of any expected final approvals. The intent of the developer must be clear on the plan, including any previous and proposed zoning hearing requests. Only if necessary, will the following comments be up-dated and/or supplemented during review of the zoning final development plan.

ADVISORY:

1. Because the property identified as Tax I.D. #20-00-013913 was created after the requirements for a Final Development Plan (F.D.P.) came into effect, the overall density calculations including utilized and remaining must be included on the Final Development Plan.
2. On the F.D.P., place a chart that shows compliance with 1B01.2 and C.M.D.P. (prior to March 2, 1992).

(Over)

EXHIBIT "D" #154

Baltimore County Government
Office of Planning and Zoning

PETITIONER'S EXHIBIT 5

401 Bosley Avenue
Towson, MD 21204

887-3211
Fax 887-5862

March 26, 1992

Mr. Stephen F. Jencks
8 Midvale Road
Baltimore, Maryland 21210

Re: Jencks Property
W-92-43

Dear Mr. Jencks:

We have reviewed your waiver application for the above property and have determined that a waiver for the Public Works Standards (curb & gutter, grading of right of way, sidewalk and street lighting) as requested would be within the scope, purpose and intent of the Development Regulations of Baltimore County and is therefore APPROVED. Conditions regarding the approval of this waiver are as follows:

1. A 2 foot widening in vicinity of driveways must be provided in order to help motorists identify driveway areas.
2. A sight distance must be provided which may result in some clearing of vegetation at the driveways. Clearing should be strictly limited in order to preserve the existing trees along Greenwood Road.

This development shall comply with all other applicable laws, rules and regulations of Baltimore County (Section 26-180). Should you have any questions, please contact David Thomas, Assistant Bureau Chief, Department of Public Services at 887-3321.

NOTE: This waiver approval letter shall be presented by the applicant when applying for a building permit.

Respectfully yours,
Andrea Van Arsdale
Andrea Van Arsdale, Division Chief
Strategic Planning

AVA: cab

cc: Stanard & Sarah Klinefelter, Piper & Marbury, Charles Center South, 36 S. Charles Street, Baltimore, MD 21201
John Trueschler, Nehemiah Enterprises, Inc., 40 W. Chesapeake Avenue, Suite 600, Towson, MD 21204
David Thomas, Assistant Bureau Chief, Public Services M.S. 1301
Brenda Payne, Public Services M.S. 1301
Susan Wimbley, Public Services M.S. 1301
File

PETITIONER'S EXHIBIT No 5

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
ZADM

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division

SUBJECT: Zoning Advisory Committee Meeting
November 23, 1992
Item No. 154

Date: December 11, 1992

Please amend the November 20, 1992 comments as follows:

Upon further review, we feel that the requested variance to permit a 13.3' front yard setback may be approved. The ultimate right-of-way line shown on the approved CRG Plan is incorrect and must be revised to concur with that shown on Highway Drawing No. 69-0477 and the recorded R/W Plats No. 69-183 - 1, 2 & 3.

RWB:JRL:pab

cc: R. Green, D-M-W
File

PETITIONER'S EXHIBIT No 6

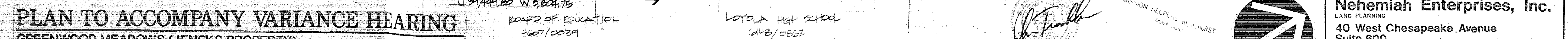
ZON154/PB_JUN94

"ROBERT WOODS' TENANT HOUSE"

TWO VIEWS OF THE TENANT HOUSE FROM GREENWOOD ROAD. THE STONE FOUNDATION AND POOR CONDITION OF THE STRUCTURE MAKE RELOCATION INFEASIBLE WITHOUT SUBSTANTIAL COST AND RISK TO THE HOUSE.

PETITIONER'S EXHIBIT 3

PETITIONER'S EXHIBIT 3



Phone: 676-1765

CY: _____
Stephen F. Jencha, Christopher S. Jencha,
Helen J. Featherstone as tenants in common
of:
Stephen Jencha
8 Midway Road
Baltimore, Maryland 21210

PROPERTY ADDRESS: _____
550 Greenwood Road, Towson, MD 21204

DEED REFERENCE: _____

PROPERTY NUMBERS:
0102030906, 0102020081, 0102030202

ELECTION DISTRICT: _____
COUNCILMANIC DISTRICT: _____
WATERS: 4/9/2009 granted March 26, 2002
under the Public Works Standards
Act's cutter, grinding, painting, and
sidewalk and streetlighting.

EXEMPT FROM THE PROVISIONS OF THE
Stormwater Management is exempt from
2-16(b) (6) as it is acknowledged in
_____ the Department under Section
Protection and Resource Management Act
February 14, 1989, and the Department of
Public Works dated March 28, 1992.

LOCATION: Currently part of 360 Greenwood
Road, the "Robert Wood's Tennant House"
is located on proposed Lot 8, adjacent
to and immediately east of 360 Greenwood
Road; the distance from the Property
Corner of the centerline of Charles Street
is approximately 785'.

portion of Lot 5. No vehicle access, driveway or parking for the proposed Robert's Tenant House will directly connect to Greenwood Road.

OFF STREET PARKING: Lot 6 will have adequate driveway space sufficient to park 2 to 6 more cars.

USES, BUILDINGS: The "Robert Woods' Tenant House" shall be used for the purpose of accessory structure. If it is used as an accessory structure, the principle structure will be a detached single family house which shall be situated after a Plat is recorded and Lot 6 is sold.

DIMENSIONS, SETBACKS:

The Robert Woods' Tenant House is a two-story frame house approximately 24' x 28' and shall remain in its current location, 107 meters or less from the existing right-of-way for Greenwood Road. The size and setbacks of the proposed single family house, if any, shall be according to the plan with the Final Development Plan and all other applicable zoning regulations.

FLOOR AREA RATIOS AND CALCULATIONS:

EXISTING AREA Robert Woods' Tenant House:	1972 sq. ft.
Proposed Single Family Detached House:	6,100 sq. ft.
Total Proposed Structure:	8,072 sq. ft.
Site Area (Lot 6) 2.2 acres	17,000 sq. ft.
Site Area (Lot 6) 0.347 x 225' x	8,875 sq. ft.
Green Site Area:	1,825 sq. ft.
Floor Area Ratio:	1.825

PETITION FOR VARIANCE FROM SECTIONS:

303.1 to permit a 13.3' front yard (average) setback in lieu of the required 60' front yard (average) setback for the existing "Robert Woods' Tenant House".

400.1 to permit the "Robert Woods' Tenant House" to remain in its current location as an accessory structure in lieu of being located "in the rear yard" and/or "in the third of the lot farthest removed from any street" and

400.3 to permit the "Robert Woods' Tenant House" to remain at its current height of 20' in lieu of the maximum height limit of 15' imposed on accessory structure.

THE TENANT HOUSE SHALL REMAIN IN ITS
CURRENT LOCATION AS EITHER A PRINCIPAL OR
ACCESSORY STRUCTURE.

RIPERWOOD RIDGE

#154

SCALE: 1"=50'

OCTOBER 21, 1992

Nehemiah Enterprises, Inc.
LAND PLANNING
40 West Chesapeake Avenue
Suite 600
Baltimore, Maryland 21204
(410) 821-0351 FAX (410) 321-8458